

Court Ex. # 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>4/30/2024</u>

UNITED STATES OF AMERICA

- v. -

JOSEPH MAHARAJ,

Defendant.

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT
: 22 Cr. 18 (NSR)-O1

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WHEREAS, on or about January 11, 2022, JOSEPH MAHARAJ (the "Defendant"), and another, was charged in a Sealed Indictment, 22 Cr. 18 (NSR) (the "Indictment"), with conspiracy to commit mail fraud, in violation of Title 18, United States Code, Section 1349 (Count One); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Two); and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitute or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Three of the Indictment, or any property traceable to such property, including but not limited

to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Three of the Indictment;

WHEREAS, on or about May 11, 2022, the Defendant pled guilty to Count One, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code 981(a)(1)(C) and Title 28, United States Code, Section 2461, a sum of money equal to \$4,034,411.19 in United States currency, representing the proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$4,034,411.19 in United States currency representing the amount of proceeds traceable to the offenses charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with (i) co-defendant Shawn Rains (“Rains”) and the forfeiture money judgment entered against him in this case; and (ii) Raymil Perez in *United States v. Perez*, 21 Cr. 229 (KMK) and Angel Ayala in *United States v. Ayala*, 21 Cr. 803 (CS) (together, the “Co-conspirators”), to the extent forfeiture money judgments are entered against the Co-Conspirators for the conduct charged in Count One of the Indictment; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment, that the Defendant personally obtained, cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Stephanie Simon of counsel, and the Defendant, and his counsel, Stephen Riebling, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$4,034,411.19 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with (i) Rains and the forfeiture money judgment entered against him in this case; and (ii) the Co-Conspirators to the extent forfeiture money judgments are entered against them in *United States v. Perez*, 21 Cr. 229 (KMK) and *United States v. Ayala*, 21 Cr. 803 (CS) for the same conduct charged in Count One of the Indictment, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JOSEPH MAHARAJ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Illicit Finance & Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:



Stephanie Simon
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2581

4/30/24
DATE

JOSEPH MAHARAJ

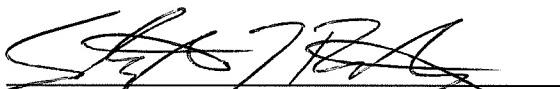
By:



JOSEPH MAHARAJ

4/30/24
DATE

By:



Stephen Riebling, Esq.
Attorney for Defendant
445 Hamilton Avenue, Suite 1102
White Plains, NY 10601

4/30/24
DATE

SO ORDERED:


HONORABLE NELSON STEPHEN ROMÁN
UNITED STATES DISTRICT JUDGE

4/30/2024
DATE